

2009 DRAFTING REQUEST

Bill

Received: **03/24/2010**

Received By: **btradewe**

Wanted: **Soon**

Companion to LRB:

For: **Jeffrey Plale (608) 266-7505**

By/Representing: **Himself**

May Contact:

Drafter: **btradewe**

Subject: **Environment - solid haz. waste**
Environment - recycling

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Plale@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Sale and return of lead acid batteries

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	btradewe 03/29/2010	bkraft 03/30/2010	mduchek 03/30/2010	_____	sbasford 03/30/2010	mbarman 04/07/2010	

FE Sent For:

<END>

↳ Not Need

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/?	btradewe	1 bjk 3/30					
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FE Sent For:

<END>

Tradewell, Becky

From: Kite, Robin
Sent: Monday, March 22, 2010 10:32 AM
To: Tradewell, Becky
Subject: FW: Battery Recycling & Battery Core Charge
Attachments: GS-20100114190108[1].pdf; Stat0287.pdf; DOT 12-15-09 Rev1.ppsx; Mike_Moeller_20100118_180234.pdf; RemyRRRflyerR1.pdf

Becky:

I can take this one but thought I would run it by you first in case you want it. Let me know what you think.

Robin

From: Buhrandt, Katie
Sent: Monday, March 22, 2010 10:28 AM
To: Kite, Robin
Cc: Lynch, Abigail <
Subject: FW: Battery Recycling & Battery Core Charge

Hi Robin,

Senator Plale is meeting with a constituent, Mike Moeller, on Wednesday of this week in Madison to discuss drafting legislation relating to update statutes on battery recycling. The constituent works in the battery industry and has specific statutes that he is familiar with and would like to see tweaked or changed. He specifically refers to 287.18 – 287.185.

Would you be the drafter we would work with on such a bill? If so, would you be available to meet with Senator Plale and Mr. Moeller on Wednesday afternoon of this week (the 24th)?

If you are not the correct drafter to work with or if you are unavailable Wednesday afternoon, is there another drafter you could recommend?

Thank you very much for your help!

Katie

Katie Buhrandt
Office of State Senator Jeff Plale
katie.buhrandt@legis.wisconsin.gov
608.266.7505

From: Lynch, Abigail
Sent: Monday, March 22, 2010 10:21 AM
To: Buhrandt, Katie
Subject: FW: Battery Recycling & Battery Core Charge

03/22/2010

Abigail Lynch
Office of State Senator Jeff Plale
608/266-7505

From: memoeller@remybattery.com [mailto:memoeller@remybattery.com]
Sent: Wednesday, February 10, 2010 5:08 PM
To: Sen.Plale
Cc: mrmoe@remybattery.com
Subject: FW: Battery Recycling & Battery Core Charge

Senator Plale

It was recommended that I forward this information to you due to the fact that you currently sit on the Senate Committee on Transportation, Tourism, Forestry and Natural Resources and also because you received a National Federation of Small Business Guardian Award. It is my hope that we could possibly schedule a meeting to discuss the possibility of updating State Statute 287.18 – 287.185. It is my understanding that you are very busy this time of year and I would be willing to work around your schedule, and even though I am a resident of South Milwaukee, I am willing to meet in a location that is convenient for you. I look forward to your reply.

Sincerely
Mike Moeller
719 Hawthorne Ave.
South Milwaukee, WI 53219
(H) (414) 766-0590
(W) (414) 384-0340

From: Mike Moeller
Sent: Monday, January 18, 2010 5:52 PM
To: 'cdunn@commerce.state.wi.us'
Cc: 'Lisa.Sherman@milwcnty.com'; Matt Moeller; Mark Myszewski; John Peters; 'Cynthia.Moore@Wisconsin.gov'
Subject: Battery Recycling & Battery Core Charge

Carol

It's been a while since we have talked. I just wanted to send you the attached article regarding battery core charges (see pg.3). The State may want to start to consider updating and revising it's laws on battery recycling (attached 287.18 – 287.185). Even though lead acid battery recycling is a great success story with their high recycling rates on a national level, due to another spike in the price of lead and current economic conditions, we are seeing a lot of hazardous practices by individuals that are irresponsibly collecting and transporting scrap batteries.

This irresponsibility is mainly due to unawareness of the laws (see attached Power Point from Johnson Controls). We feel that the D.N.R. should consider reviewing the current Wisconsin State Statute related to collection for lead acid batteries and that they strongly consider that the best practices would be to control collection points for lead acid batteries to professionals that regularly sell and handle lead acid batteries. Best practices can currently be monitored through: Wisconsin Emergency Management Tier Two Facility Reporting process, current monitoring of trucks and shipping paperwork by the D.O.T., and by adjusting the core charge at the retail distribution level upward to encourage proper handling of scrap batteries through professionals trained on packaging and shipping scrap batteries.

03/22/2010

Another thing to consider is that recycling rates for non-lead rechargeable batteries in cordless devices are very low. Some of the other rechargeable battery chemistries, like NICAD batteries which contains cadmium, are just as harmful in the waste stream as lead acid. Some of these other chemistries are also starting to show up in today's hybrid vehicles. Since the time that this Statute had been written there has been an explosion of new battery types and applications. I have attached another document from the U.S.D.O.T. Pipeline and Hazardous Materials Safety Administration regarding recycling and transportation of these, as well as lead acid batteries. The State may want to consider legislation to encourage recycling of these non-lead, rechargeable battery types too.

Clearly, this has become a problem that has gotten National attention and should be reviewed by the D.N.R. and the State of Wisconsin before a battery related incident occurs in our State. Remy Battery has enrolled it's employees in special training courses on handling other battery types in hybrid vehicles and is actively encouraging the recycling of all rechargeable battery types through a campaign to our customers that includes the attached flyer. Remy Battery has been responsibly recycling batteries since 1931. It is my hope that the State will take this matter seriously prior to an incident that may endanger it's residents.

Sincerely
Michael E. Moeller
President
Remy Battery Co., Inc.
4301 W. Lincoln Ave.
Milwaukee, WI 53219
(414) 384-0340
(414) 384-0344 Fax
www.remybattery.com

Wis. Stats. 287.18 Notes

1. This section of the Wisconsin Statutes has not been updated in 15 years even though there has been an explosion of devices that are now running off many different battery chemistries since the last revision.
2. Add a definition for DEPOSIT that is in section (5). Many companies are using various terms to get around the stated deposit amount. These terms include, but are not limited to: core, refund, rebate, exchange, etc.
3. Remove retailer throughout. Currently there are core charges coming from battery manufacturers and wholesalers that are larger than the allowed DEPOSIT amount. This has several effects:
 - a. Net loss to the retailer. For example, a manufacturer may charge a \$15 core charge but the retailer can only charge a \$5 core charge. If the retailer does not get the scrap battery back from the customer the retailer is out \$10.
 - b. Higher scrap battery prices combined with a low core charge is encouraging risky behavior with users/consumers stockpiling scrap batteries. For example, a retailer can only charge a \$5 core charge but the consumer elects to keep and stockpile their scrap batteries and sell it to the highest bidder for more than \$5 because it makes financial sense to the consumer. Consumer now stores lead acid batteries in their garage, back yard, shed, place of business, etc. until the consumer collects enough scrap batteries or waits until pricing goes higher. This defeats the purpose of the statute to encourage proper and timely recycling of this hazardous product. It also encourages improper transportation of scrap lead acid batteries and has caused a recent crack down by the D.O.T. on battery shipments going to smelters.
4. Make the CORE DEPOSIT a minimum \$5.00
 - a. Allows the market to set core charge amounts
 - b. The minimum covers recycling cost if the value of the scrap battery falls to \$0.00 or below by incentivizing companies that sell batteries to take scrap back for recycling if there is no or negative value in the scrap. Prevents the batteries from getting into the waste stream.
5. The State needs to start thinking about other battery chemistries.
 - a. Nicad batteries have long been used in small electronics and are regularly used in cordless tools. Cadmium is just as harmful, if not more, than lead when it gets into the waste stream. Contractors throw out bucket loads of these batteries regularly.
 - b. Current hybrid vehicles and many small electronics and tools have Nimh battery packs. Not as harmful as Nicad batteries to the environment but can easily be recycled and removed from the waste stream.
 - c. LION batteries are being used in most small electronics (cell phones & laptops) and are starting to make their way into cordless tools and hybrid vehicles. The State ought to start thinking about the proper handling of spent Lithium batteries since it can be very volatile and the D.O.T. is starting to strictly regulate shipping requirements for these types of batteries.

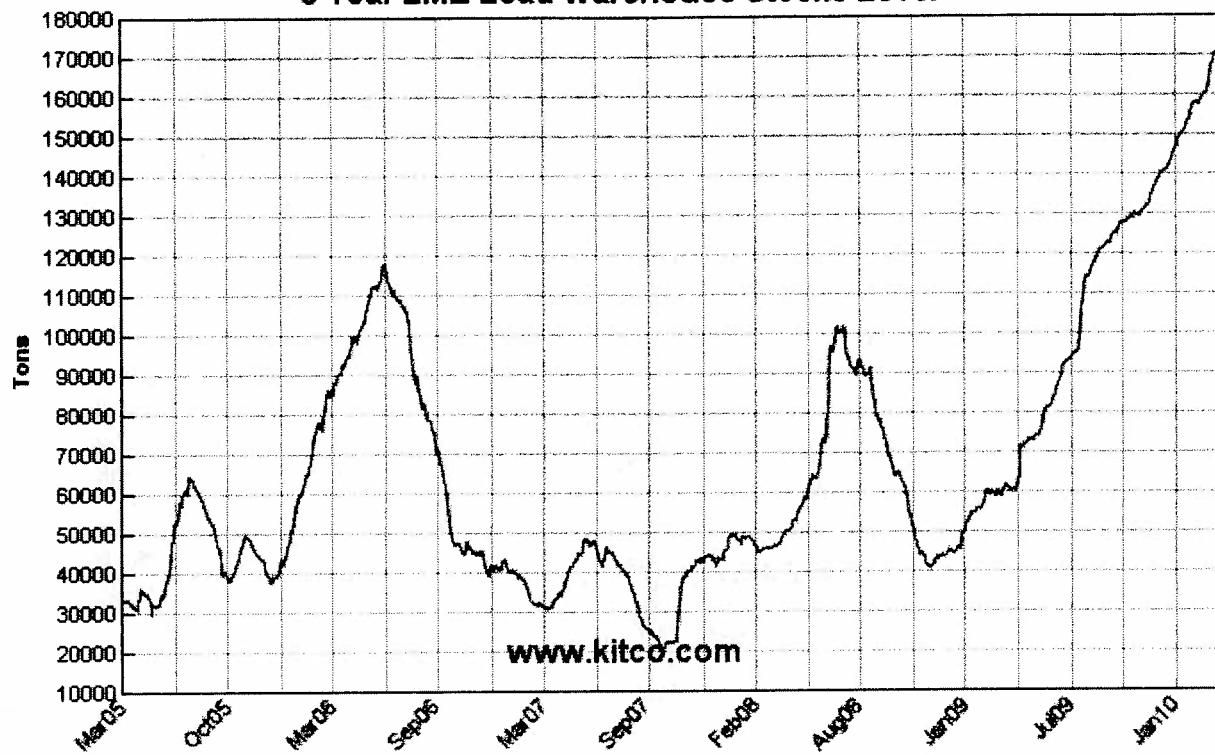
5/08

Retailer	Core Charge in States with no ceilings
Advance Auto	\$10.00
O'Reilly Auto Parts	\$10.00
Auto Zone	\$12.00
Sam's Club	\$9.00
Sears	\$10.00
Kmart	\$10.00
Pep Boys	\$10.00
CSK (including Murray's)	\$10.00 / \$6.00 on MC
Tractor Supply	\$10.00
Costco	\$5.00
Strauss	\$10.00
Wal-Mart	\$9.00
NAPA	Auto = \$10, 4D = \$30, 6D = \$40, 31 = \$15; L&G = \$5
Fred Meyer	\$12.00
G.I. Joe	\$10.00
Bi Mart	\$9.00

S.E. Wisconsin Advertised Core
1/2007

DATE	RETAILER	LOCATION	ADVERTISED CORE CHARGE
12/28/2006	Sam's Club		\$5.00
12/28/2006	Wal Mart		\$5.00
12/30/2006	Blain's Farm & Fleet	Oak Creek, WI	\$7.00
12/28/2006	Autozone	West Allis, WI	\$5.00
1/2/2007	NAPA	South Milwaukee, WI	\$6.00
1/2/2007	Advance Auto Parts	West Allis, WI	\$10.00 + tax
12/30/2006	Tractor Supply	Mukgwanago, WI	\$8.00
1/3/2007	Sears	Bayview, WI	\$10.00
12/29/2006	Kmart	Cudahy, WI	\$10.00
1/3/2007	Goodyear Gemini	Glendale, WI	\$3.00
1/3/2007	Home Depot		won't take old
1/3/2007	Wal Mart	Saukville, WI	\$5.00
1/3/2007	Mill's Fleet & Farm	West Bend, WI	\$5.00
1/3/2007	Mill's Fleet & Farm	Menomonee Falls, WI	\$7.00
1/3/2007	Bumper to Bumper	West Bend, WI	\$6.00
1/3/2007	Sears	West Bend, WI	\$10.00
1/3/2007	NAPA	West Bend, WI	\$6.00
1/3/2007	Autozone	West Bend, WI	\$5.00
1/3/2007	Batteries Plus	Menomonee Falls, WI	\$7.00
1/4/2007	Sam's Club	West Allis, WI	\$7.00
1/4/2007	Batteries Plus	West Allis, WI	\$7.00
1/4/2007	Kmart	Brookfield, WI	\$10.00
1/4/2007	West Marine	Delafield, WI	\$5.00
1/4/2007	Tractor Supply	Watertown, WI	\$8.00
1/4/2007	Wal Mart	Watertown, WI	\$5.00
1/4/2007	Car Quest	Watertown, WI	\$5.71
1/4/2007	Autozone	Watertown, WI	\$5.00 w/in 60 days
1/4/2007	Blain's Farm & Fleet	Watertown, WI	\$7.00
1/4/2007	Batteries Plus	Madison, WI	\$7.00
1/4/2007	Blain's Farm & Fleet	Madison, WI	\$7.00
1/4/2007	Cheker Auto Parts	Madison, WI	\$8.00
1/6/2007	Gander Mtn.	Franklin, WI	\$5.00
4/1/2007	EXIDE Technologies	Pewaukee, WI	\$4.35 - \$17.40

5 Year LME Lead Warehouse Stocks Level



5 Year Lead Spot



CAWA BATTERY CORE LEGISLATION BEING INTRODUCED IN ARIZONA

Arizona Rep. **Michele Reagan** has sponsored legislation on the behalf of the **California/Nevada/Arizona Automotive Wholesalers' Association** (CAWA) to address a discrepancy in battery core sales and deposits. The legislation (HB 2130) would update the amount of the recycling deposit that retailers can charge consumers who purchase automotive batteries to an amount that is not greater than the recycling deposit charged by battery manufacturers. Specifically, the bill would increase from \$5 to not more than \$15 for the recycling deposit that a retailer can charge a consumer for the purchase of a new battery. (The deposit is returned to the consumer upon the return of the used battery core). In addition, the bill would increase, from 30 days to 45 days, the amount of time a consumer has to return a used battery core for recycling in order to have the recycling deposit returned in full.

In 1990, legislation was enacted that prohibits the disposal of automotive batteries in landfills or through incineration. And, to encourage compliance, a refundable \$5 deposit was added to the purchase price of new automotive batteries. Since enactment of the law in 1990, many manufacturers have required a higher deposit from the retailer than what the state allows the retailer to charge a consumer. As a result, retailers are being monetarily penalized by the state-mandated recycling program every time a consumer fails to return a used automotive battery core, according to CAWA.

R2R FAILS TO PASS NEW JERSEY SENATE DURING 2008/2009 SESSION

There's an old proverb that says "Trust, but verify." It's good advice. As a journalist, we employ this tactic frequently. This week, it came in handy. On Wednesday, we received a press release from the backers of **Right to Repair** legislation touting that the New Jersey General Assembly had advanced Right to Repair further than ever before. It goes on to bemoan the fact that the New Jersey Senate "ran out of time" before taking up Right to Repair legislation.

This is all true, but it's misleading. The press release — which others in the aftermarket trade press ran with little or no additional scrutiny — doesn't mention when the General Assembly passed the Right to Repair Act. According to the New Jersey legislature's website, the bill (A803) was passed by the General Assembly on a 49-22-8 vote on Oct. 27, 2008. *[Editor's Note: It's misleading for the people who put this press release out to NOT mention this. It leaves readers to assume that the vote happened recently. It's also misleading for the press release to state that the vote was 49-22 when, in fact, eight people abstained.]*

SPX TO TAKE Q4 CHARGE RELATED TO SERVICE SOLUTIONS

Charlotte, NC-based **SPX Corp.** will record a fourth quarter non-cash charge of \$145 million to \$165 million to impair the recorded goodwill of its **Service Solutions** specialty diagnostic tools business. This non-cash charge is primarily attributable to a decline in the projected cash flows and estimated fair value of Service Solutions, largely because of difficulties experienced in the global automotive industry. The aggregate recorded goodwill of Service Solutions was nearly \$345 million at the end of the third quarter.

The company does not expect this charge to impact the normal business operations or liquidity of the company or Service Solutions.

MERITHIAN NOW HANDLES TRACERLINE PRODUCTS IN CANADA

Tracer Products (Westbury, NY) has appointed Concord, ON-based **Merithian Products Corp.** as the master distributor for **Tracerline** products for all of Canada. Established in 1992, Merithian is best known for the **Thermax Heat Shrink and Wiring Accessories** and **Alert Work Lights & Cord Reel** brands. The Tracerline brand in Canada will now be part of Merithian's cooling division, which also includes **Systemguard Tamper Evident Sleeves** and other specialty items for mobile AC service.

Merithian's efforts will be supported by two sales rep agencies: **Holm, Hicks, White & Associates**, handling western Canada, and **National Sales Inc.**, handling eastern Canada.

AP AUTO LAUNCHES NEW LINE OF OILS AND LUBRICANTS

Atlantic Pacific Automotive/AP Auto (Germantown, TN) has introduced a new line of branded motor oils, functional fluids and service fluids under the **Master** brand. They join AP Auto's family of brands, which includes **Pro Gauge** filters, **Fade Free** friction, Master chemicals and **E-Tron** ignition. All Master oil and lubricant products are sold through AP Auto and **Keltner Distribution**, its sister company, and ship as "mix and match" with all of the major brands that AP Auto and Keltner offer their customers.

House Engrossed

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HOUSE BILL 2130

AN ACT

AMENDING SECTION 44-1323, ARIZONA REVISED STATUTES; RELATING TO THE SALE AND DISPOSAL OF BATTERIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 44-1323, Arizona Revised Statutes, is amended to
3 read:

4 44-1323. Sale of lead acid batteries; fee; notice

5 A. A lead acid battery seller shall accept from customers at the point
6 of transfer used lead acid batteries of the type and quantity sold at that
7 point of transfer and may accept additional batteries. A seller shall not
8 charge any fee to receive those batteries, other than the fee authorized by
9 subsection B. A lead acid battery seller shall post a written notice ~~which~~
10 THAT is clearly visible in the public sales area of the establishment and
11 ~~which~~ THAT contains the following language:

12 "It is unlawful to dispose of a motor vehicle battery or
13 other lead acid battery in a landfill or any unauthorized site.
14 Recycle all used batteries.

15 This seller is required by law to accept used lead acid
16 batteries. When any new lead acid battery is purchased, an
17 additional fee of ~~five~~ NOT MORE THAN FIFTEEN dollars will be
18 charged unless a used battery is returned for refund within
19 ~~thirty~~ FORTY-FIVE days."

20 B. Each person who purchases a new lead acid battery shall be assessed
21 a fee of ~~five~~ NOT MORE THAN FIFTEEN dollars per battery by the seller. A
22 seller shall refund the ~~five-dollar~~ fee to any person who presents a used
23 lead acid battery to the seller with a receipt for the purchase of a new
24 battery from that seller within the ~~thirty~~ FORTY-FIVE day period immediately
25 following the purchase. A seller may keep any lead acid battery fee monies
26 ~~which~~ THAT are not properly claimed within ~~thirty~~ FORTY-FIVE days after the
27 date of sale.

28 C. All lead acid batteries sold after July 1, 1991 shall bear a
29 universally accepted recycling symbol.

30 D. An advertisement or other printed promotional material related to
31 the sale of lead acid batteries shall contain the following notice in bold
32 print:

33 "A fee is imposed on the purchase of each new lead acid
34 battery unless a used battery is returned where applicable."

35 E. This section does not apply to a person whose sales of batteries
36 are not in the ordinary course of business.

37 F. A wholesale seller of lead acid batteries who sells batteries to
38 this state, to a political subdivision of this state or to a private entity
39 ~~which~~ THAT does not resell the batteries is subject to the ~~provisions of this~~
40 article.



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

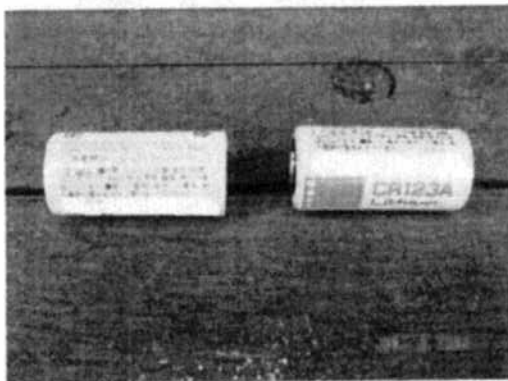
April 3, 2009

To: All battery recyclers and battery collection points and related associations.

Based on recent investigations conducted by the U.S. Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA), and based on recent incidents, this letter is generated to convey our findings and our ongoing effort to improve compliance and transportation safety. PHMSA has noted an ongoing trend of serious safety problems and non-compliance regarding the classification, packaging, marking, labeling, documentation, and transportation of spent batteries in commerce. PHMSA has great concern over the lack of compliance with and understanding of the transportation requirements for batteries. PHMSA recognizes the breadth and scope of the battery recycling and disposal industries. However, due to several incidents resulting in serious consequences, PHMSA pledges its efforts to reduce this risk by enforcing the safety standards and increasing awareness. In order to magnify its safety and compliance efforts, PHMSA feels this letter will help increase the awareness and provide a means of contact for the prescribed safety requirements to the appropriate battery recycling and disposal transportation streams.

PHMSA is concerned that many persons who ship batteries for recycling or disposal do not appreciate the hazards posed by batteries during transportation. PHMSA has documented numerous shipments that were not in compliance with requirements in the Hazardous Materials Regulations (HMR, 49 CFR Parts 171-180).

Common violations and safety problems noted during these investigations include:



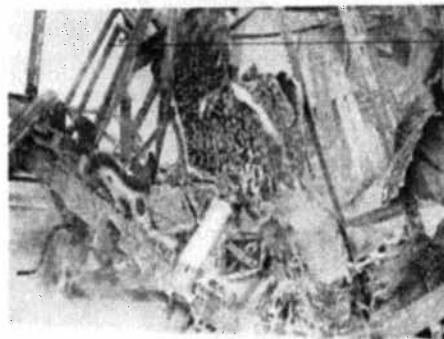
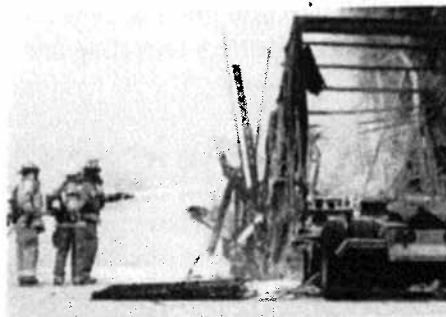
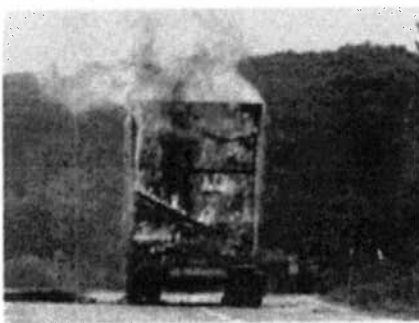
(Primary lithium batteries with unprotected terminals)

1. Large numbers of used batteries, of many different types, are collected in large containers that do not adequately prevent damage to the batteries or prevent their release during transportation.
2. Outer packages are not marked and labeled as required to indicate that they contain batteries; the shipments are not described as required on accompanying shipping documents.

3. No action is being taken to prevent a short circuit, such as *separating the batteries by placing each one in a separate plastic "haggie" or taping the terminals of the battery.*

These types of violations appear to have directly led to a November 2006 incident in which a shipment of used, rechargeable lead acid batteries caused a fire that completely destroyed the vehicle transporting the batteries.

PHMSA has also investigated two additional parcel carrier delivery truck fires. These incidents occurred in April and of July 2008. Both of these incidents involved batteries destined for recycling.



(July 2008 truck fire in Jackson, MI)

The following is a brief summary of the requirements that apply to ground shipments of batteries for recycling or disposal. These requirements also apply to shipments of batteries from battery manufacturers, equipment manufacturers, distributors and retail sales outlets. While additional requirements apply to air shipment of batteries PHMSA is not aware of used batteries being shipped by air.

All batteries are subject to requirements in the HMR because they have two types of hazards: (1) the chemicals or other materials contained in the battery, and (2) the electrical potential of the battery.

All batteries must be packaged for transportation in a manner that prevents short circuiting and damage to the battery or its terminals. This may be achieved by packing each battery in fully enclosed inner packagings made of non conductive material or separating the batteries from each other and other conductive material in the same package and pack to prevent damage and shifting while in transport.



(Individually packaged batteries to prevent short circuits)

Lithium batteries (including lithium-ion batteries) are "Class 9" miscellaneous hazardous materials, and are subject to requirements in § 173.185. Note that "small" and "medium" sized lithium batteries may be shipped by ground under the requirements in § 172.102 Special Provisions 188 and 189.

Batteries, wet including batteries containing electrolyte acid or alkaline battery fluid are "Class 8" corrosive hazardous materials, and are subject to requirements in § 173.159. This section allows for reduced requirements when the batteries are shipped by ground by themselves (*i.e.*, no other hazardous materials on the same vehicle).

Batteries containing sodium are "Division 4.3" dangerous when wet hazardous materials, and are subject to the requirements in § 173.189.

Batteries, dry, containing potassium hydroxide solid are class 8 corrosive hazardous materials, and are subject to requirements in 49 C.F.R. § 173.213.

Batteries, dry, include the common household type alkaline batteries. Additionally, these include nickel cadmium (NiCad), nickel metal hydride (NiMH) and silver-zinc batteries. These "dry" batteries unless specifically covered by another entry in the Hazardous Material Table (HMT) are not subject to the HMR provided they are in conformance with § 172.102 Special Provision (SP) 130. SP 130 prescribes they are to be securely packaged to prevent the dangerous evolution of heat and protect against short circuits. Insulating the exposed terminal ends and securely packaging the batteries is an effective means for complying with SP 130.

On January 14, 2009, PHMSA published a Final Rule in the Federal Register under Dockets HM-215J and HM-224D titled "Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions".

Except as specified in §§ 171.14, 171.25, 172.102, 172.448, and 178.703 as amended, compliance with the amendments adopted in this final rule will be required beginning January 1, 2010, with a voluntary compliance date of January 1, 2009.

This final rule:

- Requires reporting of incidents involving batteries and battery-powered devices that result in a fire, violent rupture, explosion, or dangerous evolution of heat. Immediate notice is limited to air transport of batteries and battery-powered devices.
- Clarifies the requirement that batteries and battery-powered devices and vehicles be offered for transportation and transported in a manner that prevents short-circuiting, the potential of a dangerous evolution of heat, damage to terminals, and, in the case of transportation by aircraft, unintentional activation.
- Includes several examples of packaging methods that meet the requirement to be packed in a manner that prevents short circuits.



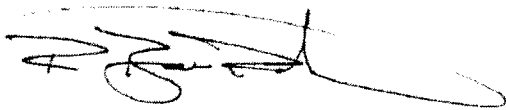
(November 2006 truck fire in Galesburg, IL)

DOT encourages and supports the safe recycling and disposal of used batteries. However, we take an aggressive approach to swiftly investigate and enforce the safety requirements in the HMR for complaints and transportation incidents such as the parcel carrier delivery truck battery incident in November 2006.

Persons who violate the HMR may be subject to significant civil penalties and criminal fines and imprisonment. The maximum penalties depend on several factors, including the nature and circumstances, extent and gravity, and severity of the consequences of the violation, but can range up to \$100,000 for a civil penalty and \$500,000 and ten years in jail for a criminal penalty. In a recent enforcement case, PHMSA assessed a total civil penalty of \$360,000 for multiple violations of the HMR relating to the improper shipment of used batteries for recycling or disposal.

More detailed information on the requirements in the HMR governing the shipment of batteries and additional guidance are available on DOT's Hazmat Safety web site: <http://www.phmsa.dot.gov/hazmat>. The HMR are also accessible through our website, and you can obtain answers to specific questions from the Hazardous Materials Information Center at 1-800-467-4922 (in Washington, DC, call 202-366-4488).

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Ryan Posten', with a long horizontal flourish extending to the right.

R. Ryan Posten
Director, Office of Hazardous Materials Enforcement



REMY RELOAD



All Remy Reloaded battery packs have a 90-day warranty!

Remy can reload your:

- Power tool batteries
- Medical equipment
- Flashlights
- Law enforcement equipment
- Consumer electronics
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- Manufacturing and test equipment
- Survey equipment
- Cordless vacuum
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- And more...

Save Money and the Environment with Remy Reloaded Battery Packs

Eventually all rechargeable batteries will die, and then what do you do with the battery and the equipment it powered? It's a huge waste to dispose of the battery pack or the product. Instead, let Remy Reload rebuild the battery pack assembly with new cells that meet or exceed the quality and specifications of your original battery pack.

Good for your wallet.

In most cases, the individual cells of a battery pack wear out long before the other components of the pack. At Remy Reload, our trained technicians can replace those worn out cells with higher capacity cells for a fraction of the cost of a new battery pack or replacement product. We'll have your product up and running like new!

Good for the environment.

By replacing just the individual cells of a battery pack, we are able to reuse its other working components, keeping those plastics and electronics — which are more difficult to recycle — out of our waste stream. And by reloading a battery, you give the product it powered a brand new life. Even better, with Remy Reload all used battery cells are sent to EPA-approved recycling centers.

Good for your schedule.

Remy Battery stocks all of the popular battery cells, so that you can have your reloaded battery back in a matter of days. Even uncommon battery cell types can be easily ordered and typically do not take more than a week to complete. All Remy Reloaded packs are primed, analyzed and fully charged before shipping.

For more information, contact us at info@remyreload.com or 414-384-0340. To learn how to send us your battery pack, visit www.remyreload.com.



REMY RECYCLES

Free and Easy For You, Good for Planet Earth

Every day, we rely on batteries to power our active lifestyles. From cel phones and laptops to automobiles and generators, batteries help keep us on time, in touch, on the go and out of danger. It is important to handle batteries responsibly when we use them, and also to dispose of them responsibly after they are of no use to us.

Remy takes the worry out of recycling.

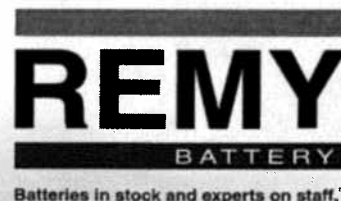
Remy Battery offers free recycling for all used battery types, including lead-acid, nickel cadmium (NiCd), nickel-metal hydride (Ni-MH) and lithium-ion batteries (Li-ion). Simply drop off or send your spent batteries to Remy, and we'll make sure they are transferred to EPA-approved recycling centers. It's free, easy and no purchase is necessary.

Remy helps you protect the environment.

Batteries are made of hazardous components and toxic chemicals. When not properly disposed of, these elements can be released into the environment. If batteries end up in landfills, their contents get into the soil, air, surface water, and eventually into our food chain and drinking-water supply — posing serious health risks for all living creatures. If they are incinerated, metals and chemicals may be released into the air or concentrated in the ash produced by the combustion process, which is harmful to humans, animals and the environment.

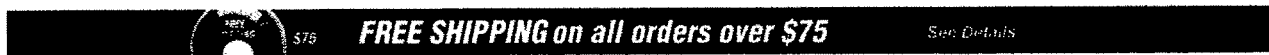
For more information on battery recycling, contact us at 414-384-0340 or sales@remybattery.com. Or visit, www.remybattery.com.

When you trust your used batteries to Remy, you have the peace of mind to know that they will be responsibly recycled every time. All feasible components will be re-used in new batteries and hazardous materials will be properly handled. This means you'll help save our natural resources, protect our planet and keep everyone healthy and safe.



Batteries in stock and experts on staff.™





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Core Charges

What is a Core Charge?

A "Core Charge" is similar to the deposit you might pay for a can or bottle of soda. In many states, to promote recycling, you are charged a deposit when you purchase a can of soda and you receive your deposit back when you return the empty can. Many automotive parts have a Core Charge, or Core Price, that works the same way as a soda can deposit.

Here's how the Core Charge works:

- The part you are purchasing contains a component that is recyclable
- The Core Charge deposit is charged at the time of purchase
- When the recyclable component from your old part is returned to us, the charge is refunded to you

To receive your Core Charge refund, you can do either of the following:

- Bring the part to any Advance Auto Parts store along with your receipt or packing slip
- Mail the part back to Advance Auto Parts following the directions including on your packing slip

Please see our [Returns](#) policy for more information on returning a core item.

Core Charges are often mandated by state legislature, and, as such, the actual core charge and taxes on the charge may vary depending on the state in which you buy your part. The Advance Auto Parts core charge presented to you online today with your item is representative of the most common core charge. If you have any questions, please contact [Customer Care](#) or visit any [Advance Auto Parts store](#).



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Explanation of "core charge" that I found on the Internet.
 Beady Thadwell



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4587/1

RCT:.....

Wed, 3/31, if possible

Ljk

2009 BILL

SA
X-ref



- 1 AN ACT ^{gen.}...; relating to: the sale of lead acid batteries and acceptance of used lead
2 acid batteries.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from disposing of a lead acid battery, including a motor vehicle battery, by placing it in a landfill or incinerating it. Current law requires anyone who sells a lead acid battery to a person who will use the battery (a consumer) and who installs the battery to accept the consumer's used battery. Current law also requires a person who sells a lead acid battery to a consumer without installing the battery to offer to take the used battery in trade. The law prohibits a person from charging a consumer a deposit of more than \$5 on the sale of a lead acid battery.

This bill requires a person who sells a lead acid battery to a consumer to charge a deposit of not less than \$5. The bill also changes terminology in the law relating to the sale of lead acid batteries and defines the term "deposit" ^{for the purposes of this law}.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 287.18 (1) (bm) of the statutes is created to read:

BILL**SECTION 1**

1 287.18 (1) (bm) "Deposit" means an amount charged, upon the sale of an item,
2 that is refunded when the item, or another item of the same kind, is relinquished to
3 the person who sold the item. "Deposit" includes a core charge.

4 **SECTION 2.** 287.18 (1) (c) of the statutes is amended to read:

5 287.18 (1) (c) "~~Retailer~~" "Seller" means a person who sells batteries to
6 consumers.

7 History: 1989 a. 335; 1991 a. 32; 1995 a. 227 s. 899; Stats. 1995 s. 287.18.

7 **SECTION 3.** 287.18 (1m) (a) (intro.) of the statutes is amended to read:

8 287.18 (1m) (a) (intro.) The department shall provide a notice concerning the
9 disposal of batteries to all ~~retailers~~ sellers. The notice shall be 8.5 inches by 11 inches
10 and all notices shall be of the same color, typeface, and type size. The notice shall
11 include all of the following information:

12 History: 1989 a. 335; 1991 a. 32; 1995 a. 227 s. 899; Stats. 1995 s. 287.18.

12 **SECTION 4.** 287.18 (1m) (a) 3. of the statutes is amended to read:

13 287.18 (1m) (a) 3. That state law requires ~~retailers~~ sellers to accept used
14 batteries in trade and in some other instances.

15 History: 1989 a. 335; 1991 a. 32; 1995 a. 227 s. 899; Stats. 1995 s. 287.18.

15 **SECTION 5.** 287.18 (1m) (b) of the statutes is amended to read:

16 287.18 (1m) (b) A ~~retailer~~ seller shall post the notice provided under par. (a)
17 in a place where it can be seen by consumers.

18 History: 1989 a. 335; 1991 a. 32; 1995 a. 227 s. 899; Stats. 1995 s. 287.18.

18 **SECTION 6.** 287.18 (2) of the statutes is amended to read:

19 287.18 (2) SALE AND INSTALLATION. (a) A ~~retailer~~ seller who sells a battery to
20 a consumer and installs the battery shall accept the used battery unless the
21 consumer refuses to relinquish the used battery.

22 (b) If the consumer refuses to relinquish the used battery under par. (a), the
23 ~~retailer~~ seller shall comply with sub. (3).

History: 1989 a. 335; 1991 a. 32; 1995 a. 227 s. 899; Stats. 1995 s. 287.18.

BILL

1 **SECTION 7.** 287.18 (3) (a) (intro.) of the statutes is amended to read:

2 287.18 (3) (a) (intro.) If a ~~retailer~~ seller sells a battery to a consumer without
3 installing the battery or if sub. (2) (b) applies, the ~~retailer~~ seller shall do all of the
4 following:

5 History: 1989 a. 335; 1991 a. 32; 1995 a. 227 s. 899; Stats. 1995 s. 287.18.

6 **SECTION 8.** 287.18 (3) (a) 3. of the statutes is amended to read:

7 287.18 (3) (a) 3. Subject to par. (b), accept the consumer's used battery in trade
8 for a new battery without charge or time limit, during normal business hours, at any
9 business location owned or operated by the ~~retailer~~ seller.

10 History: 1989 a. 335; 1991 a. 32; 1995 a. 227 s. 899; Stats. 1995 s. 287.18.

11 **SECTION 9.** 287.18 (3) (b) of the statutes is amended to read:

12 287.18 (3) (b) A ~~retailer~~ seller accepting a used battery in trade under par. (a)
13 3. may require the consumer to provide proof that the consumer purchased a battery
14 from the ~~retailer~~ seller.

15 History: 1989 a. 335; 1991 a. 32; 1995 a. 227 s. 899; Stats. 1995 s. 287.18.

16 **SECTION 10.** 287.18 (4) of the statutes is amended to read:

17 287.18 (4) ACCEPTANCE OF OTHER BATTERIES. (a) Except as provided in par. (b),
18 if a person delivers to a ~~retailer~~ seller a used battery to which sub. (3) (a) 3. does not
19 apply, the ~~retailer~~ seller shall accept the used battery. A ~~retailer~~ seller may charge
20 up to \$3 for each battery delivered under this paragraph.

21 (b) A ~~retailer~~ seller is not required to accept more than 2 batteries delivered
22 under this subsection by a person on one day.

23 History: 1989 a. 335; 1991 a. 32; 1995 a. 227 s. 899; Stats. 1995 s. 287.18.

24 **SECTION 11.** 287.18 (5) of the statutes is amended to read:

BILL**SECTION 11**

1 287.18 (5) DEPOSIT. A ~~retailer may~~ seller shall charge a deposit of not ~~more~~ less
2 than \$5 on the sale of a battery. The ~~retailer~~ seller shall refund the deposit if the
3 consumer delivers the battery to the ~~retailer~~ seller under sub. (3) (a) 3.

History: 1989 a. 335; 1991 a. 32; 1995 a. 227 s. 899; Stats. 1995 s. 287.18.

(END)

date

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4587/1dn

RCT:.....

Lbjk

Date

This is a draft of the legislation concerning the sale and acceptance of lead acid batteries. Please review it carefully and let me know if there are any questions or if any changes are wanted.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4587/1dn
RCT:bjk:md

March 30, 2010

This is a draft of the legislation concerning the sale and acceptance of lead acid batteries. Please review it carefully and let me know if there are any questions or if any changes are wanted.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

Parisi, Lori

From: Buhrandt, Katie
Sent: Tuesday, April 06, 2010 4:22 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-4587/1 Topic: Sale and return of lead acid batteries

Please Jacket LRB 09-4587/1 for the SENATE.